



**City of Dublin**  
**Land Use and Long**  
**Range Planning**

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**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**AUGUST 29, 2013**

**AGENDA**

**NEW CASES:**

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| <b>1. BSC Office Residential District – Vehicle Sales<br/>13-061AA<br/>(Motion to Uphold - Approved 4 – 0)</b> | <b>4140 Tuller Road<br/>Administrative Appeal</b> |
| <b>2. Wedgewood Glen – Virginia Homes<br/>13-081AA<br/>(Motion to Modify - Approved 5 – 0)</b>                 | <b>4163 Bidle Court<br/>Administrative Appeal</b> |
| <b>3. Lot Coverage and Parking Setback Variances<br/>13-085V<br/>(Approved 5 – 0)</b>                          | <b>6377 Emerald Parkway<br/>Variance</b>          |
| <b>4. Lot Coverage, Parking and Sign Setback Variances<br/>13-089V<br/>(Approved 5 – 0)</b>                    | <b>6500 Glendon Court<br/>Variance</b>            |

Chair Brett Page called the meeting to order at 6:30 p.m. Other Board members present were Patrick Todoran, Rion Myers, Brian Gunnoe, and Jamie Zitesman. City representatives present were Tammy Noble-Flading, Phil Hartmann, and Flora Rogers.

**Motion and Vote**

Rion Myers made a motion, seconded by Patrick Todoran, to accept the documents into the record. The vote was as follows: Mr. Zitesman, yes; Mr. Gunnoe, yes; Mr. Page, yes; Mr. Todoran, yes; and Mr. Myers, yes. (Approved 5 – 0.)

**Administrative Business & Communications**

Mr. Page swore in those who intended to address the Board in regards to any of the cases this Agenda, including Michael Close, Isaac Wiles; (Two Miranova Place, Suite 700, Columbus, Ohio); representing The Columbus Association of Auto Dealers, Christopher Cline, Blaugrund, Herbert, and Martin, [300 West Wilson Bridge Road, Worthington, Ohio] representing Tesla Motors; Charles Ruma, Virginia Homes, (10104 Brewster Lane, Powell, Ohio), Linda Menerey, EMH&T, (5500 New Albany Road, Columbus, Ohio), and City representatives.

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| <b>1. BSC Office Residential District – Vehicle Sales<br/>13-061AA</b> | <b>4140 Tuller Road<br/>Administrative Appeal</b> |
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Rion Myers recused himself from the discussion due to a personal conflict.

Jamie Zitesman disclosed that he met with the opposing counsel, Mike Close, for lunch but that the meeting did not have any association, or influence, on this case.

Ms. Noble-Flading said that this was an Administrative Appeal to a decision rendered by the staff that vehicular sales is a Permitted Use in the Bridge Street Corridor under the Existing Use provision. She said that this site, zoned Bridge Street Corridor Office Residential, is located just north of Tuller Road in the northernmost portion of the Bridge Street Corridor. She said the surrounding area includes zoning districts within the Bridge Street Corridor. Ms. Noble-Flading said to the south is the Byers Dealership, to the west is the Huntington National Bank, and to the east is Dublin Village Center.

Ms. Noble-Flading said this site has two access points extending from Tuller Road and contains two linear buildings that provide tenant space for multiple tenants. She stated that loading spaces are located on the center portion of the site and parking is located on the perimeter of the site. Ms. Noble-Flading said this application is associated with a tenant space located within the southern building. She stated that the issue is whether the use that is operating from this tenant space is a Permitted Use under the Existing Use provision of the zoning code.

Ms. Noble-Flading said that Planning's determination is that vehicle sales is permitted at 4140 Tuller Road based on the Permitted Uses in the Community Commercial District that was the zoning district immediately prior to the Bridge Street rezoning. Ms. Noble-Flading said when the Bridge Street Corridor was adopted, an Existing Use provision was adopted that permits all uses associated with the Bridge Street Zoning Districts and more importantly, uses under the zoning classification immediately before the rezoning was approved. She said the Code allows uses that would be permitted under the previous zoning district, if the use or uses were established up to a year prior to the BSC district rezoning. Ms. Flading stated that in multi-use tenant buildings, any one of the tenant spaces can be determined to be a permitted use, under this provision of the code, and once this use is determined, it legalizes all uses permitted under that zoning district. She stated that this is a focal point to the applicant's appeal because it allows Planning to determine that any uses of the building were legal, one year prior to the BSC rezoning, and if so it legitimizes all uses of the site until such time as the site is redeveloped under the BSC Code. She presented a chart showing the Permitted Uses and timeframes, described in this Code.

Ms. Noble-Flading explained that in instances of an Administrative Appeal the Board must decide whether staff has either made an erroneous decision or based a decision on a misinterpretation of the Code. She said that the Board can affirm staff's decision, modify the decision, or reverse the decision. She offered to answer any questions regarding the history of this application or staff's interpretation.

Ms. Noble-Flading introduced Phil Hartmann, from the Law Director's Office, who was representing the City staff.

Jamie Zitesman said that there were a large number of Permitted Uses under the previous zoning Code which was the Community Commercial District. He stated that if he understood correctly, if at least one of the uses in a multi-tenant building is there legally, then all the other uses within that building are considered permitted uses as well.

Ms. Noble-Flading stated that is correct.

Brian Gunnoe asked if the use, determined to be legal in the multi-tenant building, was the ALTS Corporation.

Ms. Noble-Flading said yes. She said that Planning had analyzed the uses in this building, and there were multiple uses that they believed to be Permitted Uses. She explained that Planning made their

determination, focusing on the ALTS Corporation, because there was specific documentation that verified the use was approved by the City.

Mr. Gunnoe asked what type of business was ALTS.

Ms. Noble-Flading replied that it was an audio car repair business.

Mr. Page asked that the person who made the comment from the audience come forward and state their name and address.

Michael Close, Isaac Wiles; representing The Columbus Association of Auto Dealers, said that it was the auto dealers association that are unfairly impacted by the decision of the City. He stated that as part of the appeal process, they requesting all information related to the City's determination be forwarded to them. He said the information they received was primarily zoning legislation that passed when the new Bridge Street Code was adopted and it did not address whether this use was a permitted use. Mr. Close said he was also representing seven or eight individual dealers that are directly in competition with Tesla.

Mr. Zitesman asked how the dealers are affected or aggrieved.

Mr. Close said that the dealerships are required to spend significant amounts of money and abide by significantly different rules than Tesla. He explained that he most recently represented Crown for the Fiat dealership in the Bridge Street Corridor District. He said that the money they had to spend and hoops that they had to jump through to get City approval was considerably different than the process followed by Tesla. He estimated that Crown spent \$100,000 in order to get their site up and running. He said in addition, each of the rest of the dealers they represent, Acura Columbus, Byers Automotive, Germain, Infinity of Dublin, and MAG are direct competitors that are disadvantaged by the way Tesla was allowed to their zoning.

Mr. Zitesman asked how they were disadvantaged in the sense that Tesla went into an existing space of a multi-unit building opposed to developing, or redeveloping a site. He asked how it negatively affected the applicants.

Mr. Close said that Tesla was allowed to use the space without making improvements.

Mr. Page said that he would like to keep focused on whether or not the applicant's clients are impacted by the decision made by the City of Dublin. He said that from what he heard, the applicant's clients are impacted by the decision and therefore able to proceed with the appeal.

Mr. Close said "back to the record." He said as he had indicated the vast majority of the packet was meeting minutes for the Bridge Street Code. He said it also included a June 2003 zoning application by Dent Wizard to open a repair shop. He said that this is irrelevant based on the fact that Dent Wizard relocated to Sawmill Road. Mr. Close said that the last page of the record is Certificate of Zoning Compliance filed by ALTS. He stated that this approval was for office space and did not include retail sales. He also stated that the application was submitted in 2000 and there is no verification that ALTS was still there.

Mr. Zitesman asked who carried the burden of proof in this kind of proceeding.

Ms. Noble-Flading said that the City is required to document the decision was made. She said all of the documentation that lead to staff's decision was given to the applicant at the same time that it was provided to the Board members. She said the document that they are focusing on is the Certificate of Zoning Plan Approval, dated 2000, which was approved by the City and documents that the use of the

site is permitted. She also stated that staff conducted a site visit, which is done in every case, and noted that a sign is still there identifying the ALTS business.

Mr. Close said that was not part of the record.

Ms. Noble-Flading said it was part of the Planning's presentation.

Mr. Close stated that this information was not provided in the packet.

Ms. Noble-Flading stated the Application for Certificate of Zoning Plan Approval was included in the packet.

Phil Hartmann explained that the Board is limited to any information that was available to the administrative official at the time the determination/decision is made. He said that Ms. Noble-Flading is demonstrating that when they went out and reviewed the site and they observed the sign. He stated that the Board members can use this information as part of their determination.

Mr. Gunnoe stated that he also conducted a site visit, as well as the other members, and could acknowledge the same observation.

Mr. Zitesman asked if Mr. Close was suggesting that ALTS is not currently in business.

Mr. Close said there is simply nothing in the record that states that the use is still in operation.

Mr. Hartmann advised that the section does not state that information is limited to a written record. He said it is limited to the evidence that City staff had, in their possession, to make their determination. He said Ms. Noble-Flading has been presenting what staff used to make their determination. He said that they were perfectly within their power to consider those issues in making their determination.

Mr. Gunnoe said the question that he keeps hearing is whether or not ALTS was in operation 12 months prior to the rezoning of Bridge Street and how the City monitors that.

Mr. Close referred to the Code section that states 'The decision of the Board is limited to the information that was available to the administrative official who made the decision being appealed'. He said that person is Ms. Noble-Flading. He said that they asked her for the information that led to the decision being appealed and was told that he was given all of the record. He said the record does not include what Ms. Noble-Flading thought when conducting a site visit.

Mr. Page asked for clarification from Mr. Hartmann.

Mr. Hartmann reiterated that any information that was used, to make the determination, can be presented during the public hearing. He stated it is not limited to written documents.

Christopher Cline, Blaugrund, Herbert, and Martin, [300 West Wilson Bridge Road, Worthington, Ohio], representing Tesla Motors, said that this matter was straightforward and a matter of Code interpretation. He said the question is what does the Existing Use section mean and how is it interpreted. He suggested that Mr. Zitesman was correct and he would take it a step further. Mr. Cline said he counted the Permitted Uses in the Community Commercial District and it includes 105 uses, plus Standard Industrial Classification (SIC) derivatives which includes virtually an endless number of uses. He said that if any one of the 105 uses were in operation when the Bridge Street Code was passed, then all 105 Community Commercial and SIC uses are permitted in the building. He said it did not have to be a retail use and in fact, that had nothing to do with it. He said it could be a shoe repair business, hat shop, or barber salon. He said this code section was based on "Existing Uses" and not the non-conforming uses that attorneys

are used to dealing with. He said that City Council enacted a very liberal ordinance that allows the continuation of existing, as presented by staff. The Board's responsibility is to determine if they did so correctly. Mr. Cline suggested that staff has done an appropriate job, in a reasonable fashion, to a reasonable degree. Mr. Cline said he thought it was more than a reasonable presumption that the ALTS business was there in 2000, and is still there now.

Mr. Page closed the public portion of the discussion for the Board discussion or questions.

Mr. Page commented that he believed the key words are "Permitted Uses" and "operated continuously". He said that he felt that the information presented substantiates that a Permitted Use is being operated in the building. He said the next issue was whether or not an existing sign was ample proof that the use is still in operation. He said that was the bigger issue. He said the bottom line is that the burden of proof is on those appealing the decision, made by staff. Mr. Page said that he did not believe there has been information, brought forward by the applicant, that would suggest the sign was not a reasonable indicator that the business was is no longer in operation.

Mr. Zitesman said that he felt that the Board is only permitted to decide whether or not the decision, made by the City, was correct.

Mr. Gunnoe said it appears that the burden would have been on the applicant to show the Board that the use is no longer in operation.

Mr. Close clarified that he is not the applicant in this case. He stated that he was the appellant.

Mr. Page asked for Mr. Hartmann's opinion.

Mr. Hartmann said the applicant and the appellant are the same entity.

Mr. Page asked if they came forth and said there was a sign, but we have evidence that they were not there and the place had been vacated, then the Board could consider that evidence to refute the fact that the use was still in operation.

Mr. Hartmann said absolutely.

Mr. Page said at this point, there was no further information that is going to be shared with the Board that will change its discussion. He said the presentation tonight was a lot of argument with little information. He said that unless there was more information, he would make a motion.

Mr. Gunnoe asked if the applicant could consider a motion to table.

Ms. Noble-Flading said yes.

Mr. Close said he did not mean to be difficult. He said he is not going to ask for a continuance or tabling to provide additional information. He said he would ask for the Board to vote and take action, and he would proceed with his next steps.

#### **Motion and Vote**

Brett Page made a motion, seconded by Brian Gunnoe, to affirm Planning's determination that vehicle sales is a Permitted Use under the Existing Use provisions of Zoning Code Section 153.059(A)(6).

The vote was as follows: Mr. Todoran, yes; Mr. Zitesman, yes; Mr. Gunnoe, yes; and Mr. Page, yes. (Approved 4 – 0.)

At 7:30 p.m. Rion Myers returned to the meeting room.

**2. Wedgewood Glen – Virginia Homes  
13-081AA**

**4163 Bidle Court  
Administrative Appeal**

Tammy Noble-Flading said that this application is an Administrative Appeal to a decision made by staff regarding driveway widths. She said the site is currently vacant, located on the west side of Brinsworth Drive, just south of Bidle Court. She said the site is currently being developed for a single-family residential home and is surrounded by similar single-family residential uses. Ms. Noble-Flading presented a photograph showing a close view of the lot which has frontage on both Bidle Court and Brinsworth Drive.

Ms. Noble-Flading said that the Code provision that is being appealed limits pavement width between the right-of-way line and the building setback. She said that the Code limits the driveway width to 20 feet, but gives the director authority or the discretion to allow for a greater width. She said the purpose of the Code section is to allow for vehicular maneuverability into a garage, but to limit the amount of pavement at the forefront of a property.

Ms. Noble-Flading said that the applicant is appealing the decision. She said there are two Code provisions that address pavement widths, one is for front loaded garages and the second is for side loaded garages. She explained that in this instance, they were dealing with a side loaded garage. She stated the applicant's position is the Code requirements should be the same for each of type of garage. She stated that Planning is proposing to address the issue when the Code is modified in the later portion of this year. She said the applicant would like to proceed with the construction of the site and is proposing an Administrative Appeal to expedite a decision. Ms. Noble-Flading said that is doing so, she instructed the applicant to address any documentation that suggests that the City has made a determination in error. She said that the applicant was forthright in stating that they were not in disagreement with staff's interpretation or decision making process but were simply stating that the Code should have the same requirement for both types of garage layouts.

Ms. Noble-Flading also stated that as approved, the width is larger than 20 feet based on another Code provision that allows the Director to administratively approve departures. She said the applicant has acknowledged that the Director has approved a wider width than permitted by Code, but is requesting more relief.

Mr. Gunnoe asked what led the director to his determination.

Ms. Noble-Flading said what typically the director makes his decision based on a site have an appropriate amount of pavement to maneuver in and out of a garage, yet minimize excessive pavement. She said that often times the extra pavement is not necessary required for maneuverability but is used for additional parking spaces.

Mr. Gunnoe asked if that was not covered in different sections of the Code in terms of lot coverage.

Ms. Noble-Flading said that there were lot coverage requirements for residential areas but this restriction typically addresses a site, as a whole, and is intended to address drainage and open space objectives.

Mr. Zitesman asked if this case would have been eligible for a variance.

Ms. Noble-Flading said that the Code specifies that the applicable relief to the Director's decision is an Administrative Appeal.

Mr. Myers noted that a lot of these buildings were constructed before the zoning provision was adopted. He asked if that should be considered as part of their analysis.

Ms. Noble-Flading said that she thought that would be a relevant point if it were a variance.

Mr. Zitesman said according to the rules regarding Administrative Appeals, the Board would have the right to affirm, deny, or modify a decision.

Ms. Noble-Flading said that is correct.

Mr. Page asked if there were additional questions for staff (no additional questions).

Charles Ruma (10104 Brewster Lane, Powell, Ohio), said they had been building homes in Dublin for 30 or 40 years and they have never had this issue. He said maybe because of the downturn in the economy, they were not building houses with this design issue. Mr. Ruma said they have a customer that is proposing the driveway as he has submitted in the application. Mr. Ruma said that he could not speak to the fact that Mr. Langworthy did not do his job properly because he has actually given them more than what the Code is written to allow. He said however, he can tell the Board that in this case, a customer is spending a half million dollars that cannot use his driveway.

Mr. Zitesman asked what additional amount of space would be required to use the driveway.

Mr. Ruma referred the plans submitted.

Mr. Zitesman asked what the length of a vehicle is.

Mr. Ruma said 18 to 20 feet long.

Mr. Zitesman asked if Mr. Ruma was anticipating that there would be three cars parked in front of the garage.

Mr. Ruma said that it was not just for parking. He said in order to access the third bay and still have maneuverability in and out of the site, additional room was needed.

Mr. Todoran said it looked like the home across the street has 30 feet.

Mr. Myers recalled Ms. Noble-Flading saying that staff is considering amending the Code. He asked if Mr. Ruma had a timeframe for starting construction.

Mr. Ruma said construction would start as soon as the building permit was approved.

Mr. Zitesman said the Board had the power to modify staff's decision, if they deem appropriate.

Ms. Noble-Flading said that was correct.

Mr. Page asked if there was anyone else to speak in regards to this appeal.

Mr. Leary approached the Board to speak. Mr. Page asked if he had been sworn in and Mr. Leary stated no.

Mr. Page swore in Frank Leary, (4178 Bidle Court, Dublin, Ohio).

Mr. Leary indicated that he is a resident in the community and many of the other property owners had the same configuration as the applicant. He said he was not sure what the difference would be and he liked the idea, if there is going to be any modification the proposal, to have slight angle at the corner of the garage that allows accessibility into the garage.

Mr. Myers clarified that the issue is not the width of the driveway measured at the street, but the issue is the depth of the driveway as it extends from the garage to the right-of-way line.

Mr. Leary said he was confused and as clarified, had no concerns.

Mr. Page asked if there were other questions. [There were none.] He closed the public portion of the discussion up to the Board for further comments.

Mr. Gunnoe said that he looked at this site today, and 4162 was the thing that really drew his eye, which was the property next door. He said he thought from a consistency standpoint, you will not be able to tell the difference if you are driving around. He said that he understood what the City wants to do regarding parking on the side but from an overall prospective, the applicant's proposal is consistent with the other properties.

Mr. Zitesman said that modifying the plan would be the most efficient for the City, the applicant, and the homeowner.

Mr. Page said living in Wyandotte Woods and watching the evolution of this neighborhood in particular, he has observed that there has been a very strong attention to detail. He said it was very appealing and attracted a higher end buyer who is demanding quality. Mr. Page said the one thing that concerns him is applying new standards to established neighborhoods. He said that by applying a new standard to this site would look out of character.

Mr. Myers said he concurred with the other members.

### **Motion and Vote**

Rion Myers made a motion, seconded by James Zitesman, to modify the decision rendered by Planning to allow a pavement width, as shown on Exhibit A. He said that this motion is based on the fact that it would be appropriate for protecting the quality and character of the neighborhood.

The vote was as follows: Mr. Todoran, yes; Mr. Page, yes; Mr. Gunnoe, yes; Mr. Zitesman, yes; and Mr. Myers, yes. (Approved 5 – 0.)

### **3. Lot Coverage and Parking Setback Variances 13-085V**

### **6377 Emerald Parkway Variance**

Tammy Noble-Flading presented this variance application which includes requests for lot coverage and minimum parking setbacks for a commercial site. She said the site is on the east side of Emerald Parkway, just south of the intersection of Emerald Parkway and Glendon Court. She said the site is fully developed and has access off of Emerald Parkway. She said the site contains an office building that is completely surrounded by parking. Ms. Noble-Flading said the site has 389 parking spaces and one of the primary concerns that Planning has is that the parking is utilized at full capacity for this existing user. She said what is prompting the applicant to come before the Board is that the City of Dublin is acquiring land, associated with the widening of Emerald Parkway, which is causing the site to not meet both of these zoning requirements.

Ms. Noble-Flading said that the applicant is proposing to keep all of the parking that would be impacted along Emerald Parkway that without a variance would need to be removed based on the parking setback. She stated the parking will encroach the setback by 15 feet. She also stated that lot coverage will increase from 70 percent to 74 percent, so the applicant is requesting relief on both of these requirements.

Ms. Noble-Flading reviewed the criteria that was provided in the planning report and based on Planning's analyses, they are recommending approval for both variances associated to this site.

Mr. Gunnoe asked when the City purchases a right-of-way why would it not automatically give the variances to the property owners.

Ms. Noble-Flading explained that normally, a property would be considered non-conforming and in terms of zoning regulations, it is a legal status for properties to have. She stated that unless significant redevelopment occurs, no further action is required by a property owner so many owners do not take any further action. She said in this instance, the only thing that is prompting the request is financing options for this site. She said that the owners are concerned that if the property is determined to be nonconforming by their financing lenders, they tend to have different rates associated with this status and the applicant simply does not want to be placed in that type of positions.

Phil Hartmann said that he has been doing litigation for right-of-way acquisitions for the last 15 years and it has become more and more of an issue with banks and lenders. He said the other concern that the applicant has is that if they would come in for any zoning change at all, the City would force them to come into compliance as with the regulations. He said to alleviate some of the damages, the City is attempting to compensate them.

Mr. Page asked if there were any additional questions for Planning. [There were none.]

Linda Menerey, EMH&T, (5500 New Albany Road, Columbus, Ohio), said that it was the owner's desire to get this through the variance process for financing and other measures. She said that landscape plans had been submitted that show that they are reinstalling the parking lot screening along the frontage, and a new sign will be put in place as well. She said that they are trying to come into conformance with everything else.

Jamie Zitesman said it seemed to him that when the City takes land, there is some responsibility to compensate for it.

Mr. Page said that if this variance will benefit the applicant from a financial standpoint, then it is a win-win for the City and the business.

#### **Motion and Vote**

Brett Page made a motion, seconded by Patrick Todoran, to approve this variance to Zoning Code Section 153.071 to allow a site that exceeds the 70% maximum lot coverage permitted for a commercial site by 4% and a variance to Zoning Code Section 153.072 to allow a site to encroach into the minimum parking setback for Emerald Parkway by 15 feet. Mr. Page stated that the motion is based on the fact that it meets all the required non-use (area) variance standards and review criteria of Code Section 153.231.

The vote was as follows: Mr. Gunnoe, yes; Mr. Myers, yes; Mr. Zitesman, yes; Mr. Todoran, yes; and Mr. Page, yes. (Approved 5 – 0.)

**13-089V**

**Variance**

Tammy Noble-Flading said that this application is requesting three variances that include three provisions of the Code based on the same premise as the previous case. She said that the variances are for lot coverage for the commercial site, a 15-foot encroachment into a parking setback, and the minimum setback for a ground sign. She said the site is located on the east side of Emerald Parkway, directly south of Glendon Court. She said the site is zoned Suburban Office District and it is surrounded by similar uses. She said this site shared access and shared parking with the site to the south. She said the building is approximately 134,000 square feet and has 323 parking spaces. She presented a drawing showing the parking setback in relation to the parking that exists on the site. She said it mostly impacts the parking that is provided parallel to Emerald Parkway.

Ms. Noble-Flading reviewed the criteria that was provided in the planning report and stated that based on the analysis, Planning is recommending approval of all three variances.

Mr. Page asked if there were any questions for staff. [There were none.]

Linda Menerey, EMH&T, (5500 New Albany Road, Columbus, Ohio), said she did not have anything to add to the presentation given by Ms. Noble-Flading.

Mr. Page asked if the Board had any comments or questions. [There were none.]

Mr. Page said this is a very straightforward application, and it is very clear in his opinion that this should be motioned to approve.

**Motion and Vote**

Brett Page made a motion, seconded by Rion Myers, approve this variance to Zoning Code Section 153.071 to allow a site that exceeds the 70% maximum lot coverage permitted for a commercial site by 6%; a variance to Zoning Code Section 153.072 to allow a site to encroach into the minimum parking setback for Emerald Parkway and Glendon Court by 15 feet; and a variance to Zoning Code Section 153.164 to allow a ground sign that does not meet the minimum setback by 8 feet. He stated that this is based on the fact that the variance standards and review criteria of Code Section 153.231.

The vote was as follows: Mr. Gunnoe, yes; Mr. Todoran, yes; Mr. Zitesman, yes; Mr. Myers, yes; and Mr. Page. (Approved 5 – 0.)

Mr. Page announced that the next meeting would be held on September 26<sup>th</sup>. He adjourned the meeting at 8:45 p.m.

As approved on October 24, 2013 by the Board of Zoning Appeals.